

## MEMORANDUM

To: Susan A. Manchester  
From: Sophia Annas  
Re: Summit Land Development - Mast Road, Dover  
Cold Springs Road  
Date: October 9, 2013

You asked me research the origin of the private road/driveway known as Cold Springs Road. Cold Springs Road is shown running through former Parcels H-52 and H-57 on Plan 49-95. It is also shown on other recorded plans, specifically, Plan #49, Pocket #11 Folder #, which shows the lots that make up the former Parcel H-52, and Plan 96-29, which shows Parcel H-55, owned by Sandy F. MacLean and Karen M. Garrison (the "MacLean Property"). Parcels H-52 and H-57 abut Parcel H-55 to the east and west.

A note on Plan 49-95 states that "Parcels H-47A, H-48, H-52, H-55, H-57 and H-56 have rights to use the private drive known as Cold Springs Road."

The surveyor who prepared Plan 96-29 did extensive research on former Parcels H-52 and H-57, as well as Parcel H-55. He also researched Cold Springs Road and notes on the plan the following:

"This plan does not show any unrecorded or unwritten easements which may exist. A reasonable and diligent attempt has been made to observe any apparent, visible uses of the land, however this does not constitute that no such easements exist. No deed reference for the subject parcel has been found regarding rights to use Cold Springs Road to gain access to Bellamy Road."

Cold Springs Road does not run through Parcels H-53 and H-54. This memo sets forth the status of Cold Springs Road as it relates to Parcels H-52 and H-57.

Parcel H-52 (Owner - Mast Road Sand & Gravel a NH general partnership)  
Parcel H-52 is made up of three lots of land, all of which were once held by members of the Staples family. The three lots of land are shown on Plan #49 in Pocket #11 Folder #1. I believe members of the Staples family conveyed portions of the original tract or tracts, and the three lots came back into common ownership in 1971. I have established the chains of title for said lots back to the Staples family, members of which acquired portions of the premises in the early 1900s. I reviewed the deeds but have not updated title from the earliest Staples owner. The first reference to Cold Springs Road that I found was in a deed from Robert C. Staples to David Badger for a small portion of the premises, shown on Plan #49 in Pocket #11 Folder #1. In that deed, dated December 10, 1949 and

recorded at Book 607, Page 218, Robert C. Staples reserves "the right to use as now practiced, in common with others, the passway which provides an entrance to the home of the grantor from the Cold Spring Road, so-called." The conveyance from Staples to Badger is made "subject to the rights of others to use the Cold Springs Road, so-called."

Parcel H-52 was originally made up of three lots of land. Plan 96-29 contains references to the sources of title for these parcels, but the information conflicts with the sketch of property set off to William P. Drew and others by Probate Court in 1827. Further research must be done in order to check for any reference to Cold Springs Road in the back title to these parcels.

Parcel H-57 (Owner - Paul Martel)

This is the northwesterly portion of the newly combined parcel. It was made up of two smaller parcels, and the legal descriptions have been the same since 1827, when said parcels were set off to Shadrach Drew and Jonathan Drew, respectively, by decree of the Probate Court. Although subsequent plans show Cold Springs Road (a private road) running through this parcel, there is no mention of the rights to Cold Springs Road on any of the deeds that I have reviewed in the chain of title. (There is a gap in the chain of title from 1837-1896 that I have not had time to close, but all prior and subsequent deeds have the same description and do not mention any rights to use a road.)